

WILLIAM A. VAN METER, ESQ.  
Nevada State Bar No. 2803  
P.O. Box 6630  
Reno, Nevada 89513  
Telephone: (775) 324-2500

Electronically Filed on: January 6, 2025

Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

CASE NO. 24-50775-HLB  
CHAPTER 13

STEVEN J. FERNBACH,

Debtor.

**TRUSTEE'S OBJECTIONS TO  
CONFIRMATION OF CHAPTER 13 PLAN**

Hearing Date: 01/16/2025  
and Time: 3:00 pm  
/ (Time Required – 1 minute)

The Trustee objects to confirmation of the Debtor(s) Chapter 13 Plan or any Amended Plan to the extent the proposed Plan contains provisions inconsistent with the provisions of 11 U.S.C. §1322 or to the extent the requirements of 11 U.S.C. §1325 have not been satisfied. In connection with plan confirmation, the Trustee requests that the court determine that the Debtor has complied with 11 U.S.C. § 521(a)(1) and, that the automatic dismissal provisions of 11 U.S.C. § 521(i) do not apply.

The Trustee raises the following additional confirmation issues that are checked below:

  X   The Debtor(s) projected Disposable Income during the applicable Commitment Period is not applied to make payments to unsecured claims in this case. 11 U.S.C. §§1325(b)(1)(B) & (b)(2). Based on the supporting documentation provided to the Trustee and the Trustee's review of the Debtor's form B22C and Schedules I and J, the Debtor(s) has miscalculated their Current Monthly Income as defined by 11 U.S.C. § 101(10A) and their disposable income as defined by 11 U.S.C. § 1325(b)(2).

**The Trustee's calculation of the debtor's income was higher and expenses lower, resulting in a significantly higher Monthly Disposable. The current proposed plan does not adequately provide for this figure, nor does the proposed plan payment provide for sufficient funds to account for a 100% distribution to all allowed claims. The Trustee believes the debtors should present evidence supporting the departure from Form 22C.**

**In addition, the Trustee has the following issues with the form 22C:**

**Income is understated by \$286 pursuant to the pay stubs**

**Vehicle allowance is overstated by \$273 as only 1 vehicle for the debtor**

**Tax withholding is overstated**

**Out of pocket medical expenses of \$200 – documentation needed**

X   The Debtor(s) have not provided all requested tax returns or have failed to file all federal, state and/or local tax returns required by 11 U.S.C. § 1308. 11 U.S.C. § 1325(a)(9); Section 1228 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (not codified in Title 11).

**2022, 2023, and 2024 Tax Returns**

  X   The Debtor has not complied with 11 U.S.C. §521 and the Debtor's obligations to cooperate with the Trustee's office by failing to appear at the 341 meeting and/or failing to file and provide requested or required documents to the Trustee. The Trustee may raise additional substantive Plan objections at the confirmation hearing if any when the Debtor(s) complies with his or her obligations under the Bankruptcy Code.

**Bank statements for 6 months**

**Out of pocket medical expenses of \$200**

DATED: January 6, 2025

/S/ WILLIAM A. VAN METER

William A. Van Meter, Trustee

**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Bankr. P. 9014, 7004 and Fed. R. Civ. P. 4(g), I Katie Christ hereby swear under penalty of perjury that I am over the age of 18, not a party to the within action, and that on January 6, 2025, I Electronically Filed the attached **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** and that upon the filing of the document I anticipate that the Bankruptcy Court will thereafter generate a Notice of Electronic Filing and electronically transmit the document to:

Dated: January 6, 2025

/S/ Katie Christ  
Katie Christ

SEAN P. PATTERSON, ESQ.  
232 COURT STREET  
RENO, NV 89501

STEVEN J. FERNBACH  
1700 ARROW WOOD DR.  
RENO, NV 89521

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